

UNITED STATES OF AMERICA

-v-

ZVI GOFFER, *et al.*,

Defendants.

No. 10 Cr. 56 (RJS)

ORDER

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 11/24/10

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of the government's letter, dated November 22, 2010, in response to the Court's November 16, 2010 Order regarding what portions of Defendants' memorandum of law and accompanying exhibits should be redacted. The Court ordered the government to highlight both the portions it considered necessary to redact and the portions that would be redacted pursuant Judge Holwell's memorandum and order in *United States v. Rajaratnam*, 708 F. Supp. 2d 371 (S.D.N.Y. 2010). The government's letter addresses these distinctions and reiterates the government's belief that such redactions required by Judge Holwell are unnecessary and, by implication, are contrary to the general presumption of open records that applies in criminal cases. The Court does not necessarily disagree. Nevertheless, because (1) Judge Holwell is likely to rule shortly on the *Rajaratnam* defendants' motion to suppress the wiretaps (*see* 09 cr 1184, Doc. No. 141) and (2) allowing the parties to file unredacted excerpts from the wiretap communications would effectively vacate Judge Holwell's order and potentially undermine the interests of persons identified in Judge Holwell's order, IT IS HEREBY ORDERED that Defendants shall file, by no later than November 29, 2010, an amended memorandum of law and exhibits which shall include all of the redactions described in the government's letter, including those ordered by Judge Holwell in the *Rajaratnam* matter.

IT IS FURTHER ORDERED that the clerk of the court shall strike the documents located at Doc.

Nos. 101 and 102.

SO ORDERED.

Dated: November 23, 2010  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE